

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 9-23 are pending in this application. Claims 9, 10, 12, and 13 are amended and new Claims 14-23 are added herewith. As amended Claims 9, 10, 12, and 13 and new Claims 14-23 are supported by the original claims, no new matter is added.

In the outstanding Official Action, Claims 9-13 were rejected under 35 U.S.C. §102(b) as anticipated by Tsukatani et al. (U.S. Patent No. 5,778,257, hereinafter "Tsukatani").

Applicants and Applicants' representatives thank Examiner Chu for the courtesy of the interview granted to Applicants' representatives on December 18, 2006. During the interview, differences between Claims 9 of the present application and Tsukatani were discussed, as well as proposed amendments to Claim 9. Examiner Chu agreed that proposed amended Claim 9 as presented herewith appeared to overcome the rejection of record.

With regard to the rejection of Claim 9 under 35 U.S.C. §102(b), that rejection is respectfully traversed.

Claim 9 recites in part:

a reproduction unit configured to reproduce digital audio data from a standard compact disc;  
a recording unit configured to write the digital audio data from the standard compact disc to the internal memory;  
and  
*a control circuit configured to search an information data related to the digital audio data in said internal memory, if said control circuit determines that said information data of the digital audio data has been stored in said internal memory, said control circuit prohibits writing said digital audio data into said internal memory, and if said control circuit determines that said information data are not stored in said internal memory, said control circuit writes the digital audio data from the standard compact disc to the internal memory.*

In contrast, Tsukatani describes a recording apparatus that records data on the same disc in multiple sessions.<sup>1</sup> Each session on the disc includes a table of contents area (TOC) which includes the session type (PSEC).<sup>2</sup> The outstanding Office Action cited the copying of the TOC of Tsukatani as describing determining whether or not digital data is present in an internal memory.<sup>3</sup> However, it is respectfully submitted that there is no teaching or suggestion in Tsukatani for any element that determines if the *content* of data is the same as previously stored content. Tsukatani simply describes the use of a session *type* to determine the difference between different *types* of data recorded in different sessions. Thus, the second and third sessions SS2 and SS3 shown in Figure 2 of Tsukatani could contain *identical* data. Accordingly, it is respectfully submitted that there is no teaching in Tsukatani for “a control circuit” as defined in amended Claim 9.

Consequently, as Tsukatani does not teach each and every element of Claim 9, Claim 9 (and Claims 10-13 dependent therefrom) is not anticipated by Tsukatani and is patentable thereover.

New Claims 14-23 are support at least by Claims 9-13. New Claims 14 and 19 both recite “prohibiting writing said digital audio data into said internal memory if said determining determines that the information data is already stored in said internal memory.” As noted above, Tsukatani does not teach or suggest any element that determines if the *content* of data is the same as previously stored content. Therefore, new Claims 14 and 19 (and Claims 15-18 and 20-23 dependent therefrom) are also patentable over Tsukatani.

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<sup>1</sup>See Tsukatani, column 3, lines 4-24.

<sup>2</sup>See Tsukatani, column 6, lines 6-18 and Figures 2 and 3.

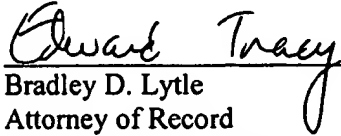
<sup>3</sup>See the outstanding Office Action at page 3, lines 5-8.

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Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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